



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Tuesday, the Seventh day of July Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.20394 of 2014

1 PETCHIMUTHU
2 RENUGA DEVI
3 ARUMUGAM @ THANGARAJ
4 MUTHIAH @ LEFT MUTHAIAH ... PETITIONER(S) / ACCUSED 1 to 4

Vs

THE STATE REP.BY THE INSPECTOR OF POLICE
SAMBAVARVADAKARAI POLICE STATION,
TIRUNELVELI DISTRICT. CR. NO. 224/2014. ... RESPONDENT / COMPLAINANT

For Petitioner : M/S.M.SARAVANAN Advocate

For Respondent : M/S.K.V.RAJARAJAN Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as A1 to A4, were apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 420 and 506(i) of I.P.C. in Crime No.224 of 2014 on the file of the respondent police and hence, seek anticipatory bail.

2.According to the defacto complainant, the accused were running a Dairy Farm in the name of Renuga Devi Dairy Farm and the defacto complainant and 42 other farmers have obtained loan from the Bank and the accused have agreed to remit the loan amount from the milk supplied by the de-facto complainant and 42 others. But the accused have failed to pay the amount and misappropriated the amount of Rs.35,00,000/-.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent and they have been falsely implicated in this case and there is no triparty agreement between the defacto complainant and the Bank to remit the amount on behalf of the borrowers. It is further submitted that the second accused is doing Medicine in Sri Muthukumaran Medical College Hospital and Research Institute, Chennai and she has been falsely implicated in this case since the Dairy Farm was run in the name of the second accused. It is further submitted that even as per the complaint, the first accused is the Proprietor and the accused Nos.3 & 4 are the Accountant and Assistant in the Dairy Farm.

4. Per Contra, the learned Government Advocate (Crl.side) submitted that the defacto complainant and 42 persons are poor agriculturists and the accused have procured milk from them assuring to pay the amount to their loan account, however, cheated them.



5. Considering the nature of allegations made against the accused, this Court is not inclined to grant anticipatory bail to the petitioners 1, 3 & 4 and hence, this petition is dismissed against the petitioners 1, 3 & 4.

6. As far as the second petitioner is concerned there is no specific allegation in the complaint and she is student of Sri Muthukumaran Medical College Hospital and Research Institute, Chennai. This Court is inclined to grant anticipatory bail to the second petitioner with certain conditions. Accordingly, the second petitioner is ordered to be released on bail in the event of arrest or on her appearance before the learned Judicial Magistrate, Shencottai and on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that the second petitioner shall appear before the respondent police as and when required. The second petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

7. The second petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
07/07/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1. THE JUDICIAL MAGISTRATE, SHENCOTTAI.
2. DO THRO THE CHIEF JUDICIAL MAGISTRATE, THIRUNELVELI
- 3 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
- 4 THE INSPECTOR OF POLICE, SAMBAVARVADAKARAI POLICE STATION,
TIRUNELVELI DISTRICT.

+1. CC to M/S.M.SARAVANAN Advocate SR.No. 36647.

TS/08.07.2015/2P -6C

ORDER
IN
CRL OP(MD) No.20394 of 2014
Date :07/07/2015